

Message Text

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10

ACTION AID-59

INFO OCT-01 NEA-10 ADP-00 AGR-20 EB-11 COME-00 IGA-02 L-03

CIAE-00 INR-10 NSAE-00 RSC-01 TRSE-00 RSR-01 /118 W
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R 251010 Z APR 73

FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 2053

UNCLAS TEHRAN 2826

USDA FOR WEST ERS

E. O. 11652: N/ A
TAGS: EAID, EAGR, IR
SUBJECT: REIMBURSABLE TECHNICAL SERVICE AGREEMENT

REF: A. TEHRAN 2332 B. FASTO 33

1. MINAGR FULLY PREPARED TO HANDLE PAYMENT ALL LOCAL TAXES AND
NECESSARY TAX RETURNS, AND READY PROVIDE ADVISORS WITH STATE-
MENT REQUIRED BY IRS ON LOCAL TAXES PAID IN THEIR NAME. MINISTRY
UNWILLING, HOWEVER, SUBMIT MEMORANDUM OF UNDERSTANDING (MOU) TO
COUNCIL OF MINISTERS WHICH OFFICIALLY INDICATES IT SUBVERTING
IRANIAN TAX REGULATIONS BY MAKING DIRECT TAX PAYMENTS FOR
USDA CONSULTANTS. IN EMBASSY VIEW, LANGUAGE PROPOSED PARA
1. C.4 REFTEL (A) MEETS OUR ESSENTIAL NEEDS-- USDA PERSONNEL WILL
NOT BE PAYING LOCAL TAXES-- AND IS AGREEABLE TO IRANIAN AUTHORI-
TIES. WE ASK THAT IT BE RECONSIDERED ACCORDINGLY.

2. AS PRESENTLY PHRASED ARTICLE A SECTION IX, PRIVILEGES AND
IMMUNITIES UNACCEPTABLE TO MFA. MINAGR REQUESTS USDA CONSIDER
SUBSTITUTING FOLLOWING:

QUOTE THE MINISTRY AGREES TO ACCORD PERSONS ASSIGNED TO THIS
PROJECT AS ADVISORS AND CONSULTATNS THE SAME IMMUNITY FROM CLAIMS
OF THIRD PARTIES AS IS GRANTED EMPLOYEES OF THE MINISTRY IN THE
PERFORMANCE OF THEIR OFFICIAL DUTIES. UNQUOTE ABOVE FORMULATION
DELETES SENTENCE ON INSURANCE, PROVISION THAT WE THINK SHOULD BE
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RETAINED. NEW ARTICLE OTHERWISE APPEARS PROVIDE NECESSARY
IMMUNITY
FROM CLAIMS RESULTING FROM OFFICIAL ACTS AND IS, IN OUR OPINION,
MOST WE CAN REASONABLY DEMAND FROM GOI WHICH, AS MATTER OF POLICY,
UNWILLING GRANT FULL DIPLOMATIC IMMUNITY TO BILATERAL TECYNICAL
ADVISORS.

3. COMMENT: MINAGR ATTEMPTING, WHEREVER POSSIBLE, BE FULLY
FORTHCOMING AND WHILE LANGUAGE SUGGESTED BY USDA PREFERABLE,
ALTERNATIVES PUT FORTH BY MINAGR APPEAR SATISFY OUR BASIC INTER-
ESTS. SHOULD, AS APPEARS EXTREMELYLUNLIKELY, MINAGR FAIL LIVE
UP TO ITS ORAL AND WRITTEN COMMITMENTS WE CAN ALWAYS EXERCISE
OPTION SUSPEND MOU. DECISION ON ABOVE ISSUES CLEARLY UP TO USDA,
BUT WE WOULD HATE TO SEE PROGRAM OF THIS SIGNIFICANCE FOUNDER ON
ISSUES WHERE MINAGR READY AND WILLING ACCOMMODATE OUR ESSENTIAL
DEMANDS, BUT UNABLE, IN ABSENCE PARLIAMENTARY APPROVAL, SPELL OUT
FULL DETAILS IN OFFICIAL GOVERNMENT DOCUMENT (MOU).

4. ACTION REQUESTED: EARLY CONSIDERATION PROPOSED CHANGES TO
MOU AND INSTRUCTIONS THAT WE PRESS FRO RETENTION OF INSURANCE
CLAUSE.

HELMS

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NMAFVVZCZ

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